

TENNESSEE REGULATORY AUTHORITY
PETITION FOR DECLARATORY RULING
NOTICE OF HEARING

Pursuant to Tennessee Code Annotated Section 4-5-224, the Tennessee Regulatory Authority gives the following notice of hearing on a petition for declaratory order:

Docket No. 05-00152

1. Petitioner's Name: United Telephone-Southeast, Inc.
2. Petitioner's Attorney: Edward Phillips, Esq.

Address: 14111 Capital Blvd.
Wake Forest, NC 27587-5900

Telephone Number: (919) 554-7870
3. Organization, if any, that the Petitioner represents:

Organization Name: N/A

Address: N/A
4. Provide a statement of the facts that led to the filing of the petition.

According to the petition, United Telephone-Southeast, Inc and The Information Bureau, Inc. are in the midst of negotiating a new interconnection agreement. Pursuant to 47 U.S.C. Section 252(e), any interconnection agreement adopted by negotiation must be submitted for approval by the Tennessee Regulatory Authority. Under the terms of the earlier interconnection agreement that expired on October 31, 2004, United Telephone-Southeast, Inc. provided The Information Bureau, Inc. a combination of an unbundled DS1 Loop and unbundled DS1 switching for the enterprise market. United Telephone-Southeast, Inc. states that the negotiations have halted due to The Information Bureau, Inc.'s refusal to accept the Federal Communications Commission's decision that DS1 switching is no longer available at Total Element Long Run Incremental Cost (TELRIC) pricing. The parties are presently operating under the terms of the expired agreement on a month-to-month basis.

The Information Bureau, Inc. filed a letter with the Tennessee Regulatory Authority requesting that United Telephone-Southeast, Inc.

be required to continue to honor its previous contract with The Information Bureau, Inc. for primary rate interface (PRI) lines until there is a final ruling from the federal courts and the Federal Communications Commission regarding unbundled network elements-platform (UNE-P) services. The Information Bureau Inc's request, filed in Docket No. 05-00156, has been consolidated with the petition for declaratory ruling.

5. Summary of Relief Requested:

The Petitioner asks for a declaratory order from the Tennessee Regulatory Authority that paragraph 451 and 47 C.F.R. Section 51.319(d)(3), as set forth in the Federal Communications Commission's Triennial Review Order issued on August 21, 2003, eliminated the requirement for Incumbent Local Exchange Carriers to provide DS1 switching at Total Element Long Run Incremental Cost (TELRIC) based on unbundled network element (UNE) rates and may price those elements at market-based prices.

6. Order and rule that the agency is called upon to interpret or upon which it is to rule:

Paragraph 451 of the Triennial Review Order (*In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-98, 98-147, (*Report and Order and Order on Remand and Further Notice of Proposed Rulemaking*) 18 FCC Rcd. 16978 (August 21, 2003), corrected by *Errata*, 18 FCC Rcd. 19020 (2003), vacated and remanded in part, affirmed in part, *United States Telecom Ass'n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) ("USTA II") cert. denied, 125 S.Ct. 313, 316, 345 (2004)).

47 C.F.R. Section 51.319(d)(3).

A contested case hearing has been scheduled for October 10, 2005, 1:00 p.m., Ground Floor Hearing Room, 460 James Robertson Parkway, Nashville, TN 37243-0505.

If you have any questions, you may contact the Petitioner's attorney, Edward Phillips of United Telephone-Southeast, Inc., at the address and telephone number listed at the beginning of this notice.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the office of the Secretary of State, Publications Division, on this the 11th day of August, 2005.

Submitted for publication by:

A handwritten signature in black ink, appearing to read "Jean A. Stone". The signature is written over a horizontal line.

Jean A. Stone (BPR # 013065)
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